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SUBSIDIARY BODY FOR SCIENTIFIC AND TECHNOLOGICAL ADVICE

**REPORT OF THE SUBSIDIARY BODY FOR SCIENTIFIC AND TECHNOLOGICAL
ADVICE ON THE WORK OF ITS THIRTEENTH SESSION (PART ONE)
LYON, 11-15 SEPTEMBER 2000**

Addendum

METHODOLOGICAL ISSUES

LAND-USE, LAND-USE CHANGE AND FORESTRY¹

Recommendation by the Subsidiary Body for Scientific and Technological Advice

[Draft decision -/CP.6

Land-use, land-use change and forestry under the Kyoto Protocol

The Conference of the Parties,

Noting Article 3.3 and 3.4 of the Kyoto Protocol,

Recalling its decisions 1/CP.4, 8/CP.4, 9/CP.4 and 16/CP.5,

Acknowledging with appreciation the scientific advice provided in the *Special Report on Land-use, Land-use Change and Forestry* prepared by the Intergovernmental Panel on Climate Change,

Having considered the relevant recommendations of the Subsidiary Body for Scientific and Technological Advice,²

¹ This item was considered by the Subsidiary Body for Scientific and Technological Advice at the first part of the thirteenth sessions, under agenda item 9 (a).

² See document FCCC/SBSTA/2000/10.

1. *Recommends* that the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol, at its first session after the entry into force of the Protocol, adopt the attached draft decision;

2. *Requests* the Subsidiary Body for Scientific and Technological Advice to elaborate, for consideration at its ___ session, the reporting requirements, including standard formats where appropriate, to be included in the guidelines for the preparation of information under Article 7 of the Kyoto Protocol, to be recommended for adoption by the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol, at its first session, on the following issues:

(a) ...

(b) ...

3. *Invites* the Intergovernmental Panel on Climate Change (IPCC) to perform the following tasks, with a view to submitting the results to the Conference of the Parties (COP) for consideration at its eighth session:

(a) Elaborate methods to account for changes in carbon stocks and emissions by sources and removals by sinks resulting from activities under Article 3.3 and 3.4 of the Kyoto Protocol on the basis of the Revised 1996 IPCC Guidelines for National Greenhouse Gas Inventories and taking into consideration all guidance contained in the annex to draft decision -/CMP.1;

(b) Prepare a report on good practice guidance and uncertainty management related to verification, measurement, estimation, assessment of uncertainties, monitoring and reporting of net carbon stock changes and greenhouse gas emissions and removals in the land-use, land-use change and forestry sector;

(c) Prepare guidance on methodologies for the possible inclusion of activities of degradation and/or aggradation under Article 3.4 of the Kyoto Protocol;

(d) Develop definitions of a forest appropriate to each forest biome.]

[Draft decision -/CMP.1]**Land-use, land-use change and forestry**

The Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol,

Recalling Articles 2 and 3 of the United Nations Framework Convention on Climate Change, and Articles 2.1(a), 3.3, 3.4 and 5.2 of the Kyoto Protocol,

Further recalling decisions 1/CP.4, 8/CP.4, 9/CP.4 and 16/CP.5 of the Conference of the Parties,

Affirming that:

(a) Any land-use, land-use change and forestry activity carried out in addition to the commitments made under Article 4.1(d) of the Convention for the purposes of determining compliance of Annex I Parties with their quantitative emission limitation and reduction objectives under the Kyoto Protocol, must not change the global effect of the Kyoto Protocol, which is to mitigate climate change in the first commitment period by reducing anthropogenic emissions by sources minus removals by sinks covered by Annex A to the Kyoto Protocol by an aggregate proportion of at least 5 per cent with reference to their 1990 levels, in accordance with Article 3.1 of the Kyoto Protocol, including the use of project-based mechanisms;

(b) Any land-use, land-use change and forestry activity, for the purposes of determining compliance of Annex I Parties with their quantitative emission limitation and reduction objectives, must not result in an increase of anthropogenic emissions by sources minus removals by sinks deriving from application of removals by sinks from carbon dioxide and indirect nitrogen fertilization effects;

(c) In view of the impact of climate change on forests and desertification, forest conservation and rehabilitation of degraded vegetation cover are important climate change adaptation activities, and as such must be included among those activities to benefit from the share of proceeds of the mechanisms of the Protocol intended to meet the cost of adaptation. This is without prejudice to decisions on the inclusion of land-use, land-use change and forestry activities in the mechanisms of the Kyoto Protocol;

(d) The rules for the inclusion of land-use, land-use change and forestry activities in the accounting of Annex I countries, for purposes of compliance with their commitments under the Kyoto Protocol, must not imply a transfer of such commitments to a future commitment period;

(e) Carbon removed by land-use, land-use change and forestry activities shall be considered as a temporary removal. The Annex I Party that makes use of such removal to achieve compliance with its Kyoto Protocol commitment shall continue to be responsible for the equivalent emission reduction at the appropriate point in time;

(f) In the methodologies to account for emissions by sources and removals by sinks in the land-use, land-use change and forestry sector, no consideration shall be given to the simple presence of stocks of carbon in national reservoirs, in line with the provisions of Article 5.2 of the Kyoto Protocol.

Wishing to design a balanced, scientifically and environmentally-sound system of definitions and accounting, and to establish simple and practical rules and methodologies for the implementation of activities under Article 3.3 and 3.4 of the Kyoto Protocol, which can reduce uncertainty and can be implemented cost-effectively, taking into account the feasibility of designing such a system,

Affirming the need to maintain incentives to reduce emissions from fossil fuel combustion and other sources,

Acknowledging that all Parties must promote sustainable management of forests and other ecosystems, conserve biological diversity, and promote and cooperate in the conservation and enhancement, as appropriate, of sinks and reservoirs of all greenhouse gases not controlled by the Montreal Protocol, including biomass, forests and oceans as well as other terrestrial, coastal and marine ecosystems,

Recognizing the importance of protecting and enhancing sinks and reservoirs of greenhouse gases in achieving the quantified emission limitation and reduction commitments of the Parties included in Annex I,

Aware of the estimated magnitude and uncertainties related to the residual terrestrial uptake,

Mindful of the potential for sink reversal,

Seeking to avoid double counting of emissions minus removals or carbon stock changes,

Recalling the need for time-series consistency,

Noting potential synergies between the implementation of Article 3.3 and 3.4 and action by Parties to meet the objectives of the Convention on Biological Diversity, the Convention to Combat Desertification, the Convention on Wetlands (RAMSAR Convention), and Agenda 21,

Bearing in mind the different national circumstances of each Party regarding the protection and enhancement of sinks and reservoirs,

Noting that policies and measures to deal with climate change should be cost-effective so as to ensure global benefits at the lowest possible cost and should therefore be comprehensive, cover all relevant sources, sinks and reservoirs of greenhouse gases and adaptation, and comprise all economic sectors,

Noting the necessity to provide appropriate incentives for sustainable forest management through definitions of activities under Article 3.3 and 3.4 as well as their associated accounting rules,

Affirming that the inclusion of broad additional activities under Article 3.4 in the first commitment period must be consistent with the provisions of the Convention and the Kyoto Protocol,

Having considered decision -CP.6 adopted by the Conference of the Parties at its sixth session,

1. *Adopts* the text contained in the annex to this decision.]

Annex

A. Definitions

Forest

Option 1: Definition determined on country level

Option 1a: One definition of a forest selected by each Party itself.

1. Parties shall elect one definition of a forest in accordance with their national circumstances. The definition must be used consistently in the first [and subsequent] commitment period[s]. [The formulation of the definition is irrevocable.]

Option 1b: Forest definitions for each forest type or biome occurring within the Party's boundaries.

2. Parties may choose to use several definitions of forest to account for different forest types in their country in accordance with their national circumstances. The definition(s) must be used consistently in the first [and subsequent] commitment period[s]. [The formulation of the definition(s) is irrevocable.]

Option 1c: Use of the FAO definition as in the IPCC Special Report, with Party-specific thresholds for forest cover, tree height and minimum area.

3. For the purpose of applying Article 3 of the Kyoto Protocol, the definition of a forest is: land with tree crown cover (or equivalent stocking level) of more than [Party to select a threshold of between 10 and 25] per cent and area of more than [Party to select a threshold of between 0.5 and 1] hectares (ha). The trees should be able to reach a minimum height of [Party to select a threshold between 0.25 and 5] metres (m) at maturity in situ. [A forest] may consist either of closed forest formations where trees of various storeys and undergrowth cover a high proportion of the ground, or open forest formations with a continuous vegetation cover in which tree crown cover exceeds [Party to select a threshold between 10 and 25] per cent [, extending over an area of more than [Party to select a threshold between 0.5 and 1 ha]]. Young natural stands and all plantations established for forestry purposes which have yet to reach a crown density of [Party to select a threshold between 10 and 25] per cent or tree height of [Party to select a threshold between 0.25 and 5 metres] m are included under forest, as are areas normally forming part of the forest area which are temporarily unstocked as a result of human intervention or natural causes but which are expected to revert to forest.

Option 2: Definitions and thresholds determined by COP

Option 2a: FAO definition with universal thresholds for forest cover, tree height, and minimum area.

4. For the purpose of applying Article 3 of the Kyoto Protocol, the definition of a forest is: land with tree crown cover (or equivalent stocking level) of more than [COP to select a threshold of between 10 and 25 to be applied by all Parties] per cent and area of more than [COP to select a threshold of between 0.5 and 1 to be applied by all Parties] hectares (ha). The trees should be able to reach a minimum height of [COP to select a threshold between 0.25 and 5 to be applied by all Parties] metres (m) at maturity in situ. [A forest] may consist either of closed forest

formations where trees of various storeys and undergrowth cover a high proportion of the ground, or open forest formations with a continuous vegetation cover in which tree crown cover exceeds [COP to select a threshold between 10 and 25 to be applied by all Parties] per cent [extending over an area of more than [COP to select a threshold between 0.5 and 1 ha to be applied by all Parties]]. Young natural stands and all plantations established for forestry purposes which have yet to reach a crown density of [COP to select a threshold between 10 and 25 per cent to be applied by all Parties] per cent or tree height of [COP to select a threshold between 0.25 and 5 metres to be applied by all Parties] m are included under forest, as are areas normally forming part of the forest area which are temporarily unstocked as a result of human intervention or natural causes but which are expected to revert to forest.

Option 2b: Forest definition for each biome (international level)

The COP/MOP requests the IPCC to develop definitions of a forest appropriate to each forest biome. Annex I Parties shall designate biomes to the lands within its boundaries and apply the associated forest definition as developed by the IPCC to each biome in order to determine eligible activities under Article 3.3 and 3.4 of the Kyoto Protocol. Such designation shall be applied consistently during the first and subsequent commitment periods. The designation of biomes to the land is irrevocable, unless a change in vegetation or biome warrants a new designation. In cases where a Party alters the designation of biomes to the land, such changes shall be reported in accordance with Article 7 and reviewed in accordance with Article 8 of the Kyoto Protocol.

Afforestation

5. "Afforestation" is the conversion of non-forest to forest on land that has not historically¹ been forested.

Reforestation

6. "Reforestation" is the conversion of non-forest to forest on land that historically was forested, but that has been converted to non-forest. Re-establishment of the forest through planting, seeding and natural regeneration following harvesting will [not] be considered reforestation.

Meaning of "historic" - Distinction between afforestation and reforestation

7. For purposes of defining afforestation and reforestation for the first commitment period, "historic" is considered to mean since 1 January 1990 [the last ... years].

Deforestation

8. "Deforestation" is the conversion of forest to non-forest, which is not immediately followed by the establishment of the same forest type on the same site.

¹ For the definition of "historic", see paragraph 7.

Is forest harvesting considered deforestation?

9. Reductions in forest cover as a result of harvesting or other practices which occur as part of ongoing forestry practice are not considered deforestation under Article 3.3 of the Kyoto Protocol.

10. In cases where re-establishment of forest following harvesting takes place in the next commitment period, Parties shall provide information in accordance with Article 7 of the Kyoto Protocol, to distinguish acts of harvesting from acts of deforestation. Such information will be reviewed in accordance with Article 8 of the Kyoto Protocol.

Size of the assessment unit

11. For the purposes of determining the area of deforestation to come into the accounting system under Article 3.3, Parties shall determine canopy cover for each forested area within their borders for areas no greater than 10 ha [1 km²] [10 km²].

Revegetation

12. Revegetation is defined as human-induced activities that establish woody vegetation that covers a minimum area of 0.5 ha and does not meet the definitions of afforestation and reforestation in Article 3.3 and/or human-induced activities to increase carbon stocks on sites with minimum vegetation cover and low organic matter content.

13. Acts of revegetation include:

- (a) Establishment of windbreaks and shelter belts;
- (b) Establishment of native vegetation;
- (c) Agroforestry planting of trees and the development of new tree crop products;
- (d) Changes in stock management and other practices to encourage regeneration;
- (e) Seeding or planting of legumes and grasses.

Forest management

14. Forest management is considered to include a combination of individual management activities related to multiple uses and services. Managed forests do not include parks, wilderness areas, wildlife preserves or other forests that are inaccessible. Carbon sequestration is one of the multiple functions of sustainable managed forests. Forest management activities are defined with the objectives to meet goals set by the forest owner.

Cropland management

15. Cropland management includes practices on land on which agricultural field crops are grown and on land that is considered cropland but is not being used for crop production.

Grazing land management

16. Grazing land management comprises practices aimed at manipulating the amount and type of forage and livestock produced. Grazing land includes lands on which the primary productive use is for livestock or other herbivore grazing. It can include lands such as natural pastures (native pastures), native hay, rangelands and drained peatlands. Grazing land management includes activities related to manipulating the amount and type of forage and livestock produced, such as forage species selection, fertilization, irrigation and drainage.

B. Eligibility**Eligibility**

17. For Article 3.3, eligible activities are those that meet the requirements set forth in this decision and that have taken place on or since 1 January 1990 or in a year subsequent to 1990, but before the end of December of the last year of the commitment period.

18. Implementation of land-use, land-use change and forestry activities included under the provisions of Article 3 of the Kyoto Protocol shall be consistent with the objectives and principles of the FCCC and the Kyoto Protocol, the Convention on Biological Diversity, the Convention to Combat Desertification, the Ramsar Convention, the Rio Forest Principles, and Agenda 21.

Inclusion of eligible activities under Article 3.4 in the second and subsequent commitment periods**Option 1: Inclusion of all activities for second and subsequent commitment periods**

19. All [human-induced] activities, and their associated changes in greenhouse gas emissions by sources and removals by sinks, other than afforestation, reforestation and deforestation shall be counted under Article 3.4 in the second and subsequent commitment periods.

Option 2: Approve a limited list of additional activities for second and subsequent commitment periods

20. The following human-induced activities, and their associated changes in greenhouse gas emissions by sources and removals by sinks, other than afforestation, reforestation and deforestation shall be counted under Article 3.4 in the second and subsequent commitment periods: [revegetation], [forest management], [cropland management], [grazing land management], [forest aggradation and degradation], [agroforestry], [establishment of urban greening], [control of forest fires and pest outbreaks].

Option 3: Establish a process to determine the inclusion of activities

21. A proposal was made to establish, prior to the fixing of quantified objectives for the second commitment period, a list of agreed additional activities for use in the second and subsequent commitment periods, together with the rules, modalities and guidelines for their accounting.

Inclusion of eligible activities under Article 3.4 in the first commitment period**Option 1: No additional activities unless scale, uncertainty, and risk issues resolved**

22. No additional activities shall be pursued under the provisions of Article 3.4 during the first commitment period, unless the COP decides that the issues of scale, uncertainty and risk related to the sinks are resolved (see also paragraphs 34 to 35).

Option 2a: Apply all approved activities

23. During the first commitment period, Parties may choose to account for net changes in GHG emissions from all additional Article 3.4 activities listed in paragraph __ above, for the second and subsequent commitment periods.

Option 2b: Selected list to be applied by all Annex I Parties

24. During the first commitment period, the following activities shall be included by all Annex I Parties as additional human-induced activities under Article 3.4 of the Kyoto Protocol: *(specify the activities. This should be a subset of the list of additional activities that may be applied in the second and subsequent commitment periods).*

Option 2c: Party chooses which activities it applies

25. Parties shall report in accordance with Article 7 of the Kyoto Protocol, before the start of the first commitment period, which changes in carbon stocks and greenhouse gas emissions resulting from additional activities it elects to add to, or subtract from, its assigned amount during the first commitment period. Such activities shall be limited to those, or a subset of those, listed in paragraphs 19 and 20 above. Such a decision is irrevocable.

C. Accounting**Accounting**

26. Subject to paragraphs __ (*insert those paragraph numbers determining the eligibility of activities*), for the first commitment period, the adjustment to a Party's assigned amount shall be equal to the net changes in CO₂ greenhouse gas emissions, measured as verifiable changes in carbon stocks, and net changes in non-CO₂ emissions during the period 1 January 2008 to 31 December 2012 resulting from land-use, land-use change and forestry activities under Article 3 since 1 January 1990. Where the result of this calculation is a net sink, this value shall be added to the Party's assigned amount. Where the result of this calculation is a net emission, this value shall be subtracted from the Party's assigned amount.

27. If an area of land is subject to Article 3.3 activities as well as Article 3.4 activities, it shall be accounted for under Article 3.4.

Initiation of accounting during the commitment period

28. Accounting of net changes in carbon stocks and non-CO₂ greenhouse gas emissions resulting from land-use, land-use change and forestry activities under Article 3 shall begin with [the onset of the activity or] the beginning of the commitment period [, whichever comes later].

Duration of accounting

29. Once land is accounted for under Article 3, all changes in GHG emissions and removals occurring from this land must be accounted for over subsequent and contiguous commitment periods.

Carbon pools

30. Parties shall account for changes in carbon pools associated with land-use, land-use change and forestry activities under Article 3, which shall include: above-ground biomass, below-ground biomass, litter, dead wood, soil organic carbon, and harvested wood products from deforestation activities, in accordance with the Revised 1996 IPCC Guidelines for National Greenhouse Gas Inventories as required by Article 5.2, any future updates of (parts of) these Guidelines and, possible future good practice guidance to be developed by the IPCC on land-use, land-use change and forestry.

31. Parties shall account for all carbon pools that are a source of GHG emissions as a result of land-use, land-use change and forestry activities under Article 3, but may choose not to account for a given pool in a commitment period if transparent and verifiable information is provided that demonstrates that the pool in question is not a source.

Non-CO₂ gases

32. Non-CO₂ emissions and/or removals, and verifiable changes in carbon stocks resulting from land-use, land-use change and forestry activities under Article 3 shall be estimated, reported, and accounted for in accordance with methodologies agreed to by the COP, and any additional methodologies that may be agreed to by the COP and the COP/MOP at future sessions as a result of methodological work on inventory guidelines, good practice guidance and uncertainty management.

Separating out the natural uptake from human-induced effects on lands that are subject to land-use and forestry activities but that have not undergone a land-use change since 1990

Option 1: No separation

33. Changes in GHG emissions or removals as a result of direct human-induced activities, non-direct human-induced activities, and natural processes (extreme weather events, fire, pest invasion, El Niño cycles, CO₂ and nitrogen fertilization) shall be accounted for together on each area of land where an eligible activity has taken place.

Option 2: Separation

34. Only greenhouse gas removals from additional agreed land-use and forestry activities which can be shown to have a detectable direct human-induced effect on carbon stocks, shall be accounted for under the provisions of Article 3.4. This requirement shall be tested using verifiable statistical data to show that the hypothesis that the activity has no detectable human-induced effect, can be rejected with 10 per cent significance;

35. Accepted statistical tests and modeling techniques [to exclude carbon stock changes in all ecosystems caused by climate change, elevated carbon dioxide concentration and the effects of fertilization due to nitrogen fallout,] [to separate the direct human-induced effects from other effects,] shall be used singly or in combination to test the criterion referred to in paragraph 34. Such tests and techniques shall be based on data and information from:

- (a) Control plots used for comparison between land subject to the activity and land not subject to it;
- (b) Data from research plots;
- (c) Existing forest survey and planting data collected in the last 10 years.

36. Deterministic model projections shall be used to factor out the dynamic effects of age structure in forest ecosystems.

37. Where such models, tests and techniques are not used, changes in carbon stocks associated with agreed activities shall only be applied if the rate of uptake exceeds 0.5 tonnes C/ha-yr for forest land and 0.1 tonnes C/ha-yr for grassland.²

38. Crediting of carbon stock increases due to human activities shall not exceed the net increase in carbon on lands affected by the actions.

Limiting debits and credits from Article 3.3 for all commitment periods

39. For the first commitment period, additions to a Party's assigned amounts as a result of reforestation activities, will be limited to reforestation occurring on those lands that did not contain forest in 1990.

40. Debits resulting from harvesting in the first commitment period [and other natural and human-induced effects] following afforestation and reforestation since 1990, shall not be greater than credits earned from sequestration on that unit of land.

Conditional "netting-out" of afforestation, reforestation and deforestation area

41. *A proposal was made that the area counted as deforestation during the first commitment period might be reduced by areas of afforestation and reforestation with the same or greater potential carbon content.*

² The natural uptake of cropland can be considered negligible.

Limiting credits from Article 3.4 for the first commitment period

Option 1: Limitation on credits using a ceiling

42. During the first commitment period, verifiable increases in carbon stocks associated with any agreed activities shall only be accountable under the provisions of Article 3.4 up to [X] per cent of the assigned amount.

Option 2: Limitation on credits using a discount rate

43. During the first commitment period, only 5 [X] per cent of the verifiable increases in carbon stocks associated with agreed activities [all activities/specified activities/activity Y] shall be accountable under the provisions of Article 3.4.

Option 3: Limitation on credits using a threshold

44. During the first commitment period, only verifiable increases in carbon stocks in excess of [a threshold level of X tonnes C/ha-yr] [0.5 tonnes C/ha-yr] associated with agreed activities [all activities/specified activities/activity Y] shall be accountable under the provisions of Article 3.4.

Option 4: Limitation on credits using a country-specific threshold

45. During the first commitment period, a Party may add to its assigned amount only the positive net removals in excess of the threshold [specified for that Party] [formula based on country-specific data and information].

Option 5: Limiting credits to address uncertainty

46. Changes in carbon stocks under Article 3.4 shall be adjusted for uncertainty in a conservative way by debiting or crediting carbon stock changes at the lower bound of the absolute value of the 95 per cent confidence interval.

Article 3.7

47. A single pre-commitment period review process should apply to all elements of a Party's inventory, including all emissions and removals associated with land-use change and forestry. The eligibility of a Party to apply the final sentence of Article 3.7 shall be based on a complete, reviewed inventory. For calculating the initial assigned amount, all greenhouse gas emissions associated with land-use, land-use change and forestry, in CO₂ equivalents, shall be taken into account.

48. The meaning of the final sentence of Article 3.7 of the Kyoto Protocol is that Parties for whom land-use change and forestry constituted a net source of greenhouse gas emissions in 1990 shall include their aggregate anthropogenic emissions minus removals from land-use change in their greenhouse gas inventory for the base year and subsequent years.

49. Emissions from land-use change, for the purpose of the implementation of Article 3.7 of the Kyoto Protocol, are those net emissions reported under the forest and grassland conversion and abandonment of managed lands subcategories of the Revised 1996 IPCC Guidelines.

50. Since Parties to which the final sentence of Article 3.7 applies will already have counted the effects of activities related to land-use change agreed under the provisions of Article 3.3 and Article 3.4 as part of their base year and subsequent inventories, further accounting of these activities under the provisions of Article 3.3 and 3.4 would not apply to these Parties.

D. Measuring and reporting

51. Areas of land under Article 3.3 and 3.4 shall be identifiable via guidelines on the national inventory system under Article 5.1 of the Kyoto Protocol.

52. Net changes in carbon stocks and greenhouse gas emissions and removals shall be [in line with the requirements of Articles 5, 7 and 8 of the Kyoto Protocol] [measured, estimated, monitored and reported, with associated uncertainties, in a manner consistent with the inventory guidelines adopted by the COP, or those to be adopted by the COP following methodological work by the IPCC and/or the COP, and any good practice guidance and uncertainty management adopted by the COP], [and the requirements for supplementary information agreed to by the COP/MOP under the provisions of Article 7.1 of the Kyoto Protocol.]

53. Depending on the choices made in paragraphs 1-4, one of the following options needs to be included. Parties shall provide information on [the source and suitability of their definitions] [the designation of biomes to the lands and the applied forest definitions] [the elected thresholds for forest cover, tree height, and minimum area] in accordance with Article 7 of the Kyoto Protocol [prior to the first commitment period]. [The definitions] [This information] [The choice of thresholds] shall be reviewed in accordance with Article 8 of the Protocol.

